

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

HOWARD R. BERK

v.

ROTHMAN INSTITUTE ORTHOPEDIC
FOUNDATION, RECONSTRUCTIVE
ORTHOPEDIC ASSOCIATES II, LLC,
ROTHMAN ORTHO PA HOLDCO I, P.C.,
RECONSTRUCTIVE ORTHOPEDIC
ASSOCIATES II, LLC, ROTHMAN ORTHO
PA HOLDCO III, P.C., ROTHMAN ORTHO
PA HOLDCO IV, P.C., ROTHMAN
ORTHOPEDIC SPECIALTY HOSPITAL, L.P.,
ROTHMAN ORTHOPEDIC SPECIALTY
HOSPITAL, LLC, ALEXANDER R.
VACCARO, MD, DAVID I. PEDOWITZ, MD,
STEVEN M. RAIKIN, MD

: CIVIL ACTION

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: NO. 23-1437

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ORDER

AND NOW, this 28th day of March 2024, upon considering defendants' amended motions to dismiss (DI 24, 25), plaintiff's oppositions (DI 33, 34), defendants' replies (DI 35, 36), plaintiff's motion for leave to file sur-reply (DI 37), defendants' opposition (DI 39), plaintiff's reply (DI 40), and for reasons in the accompanying memorandum, it is **ORDERED**:

1. Defendants' amended motions to dismiss (DI 24, 25) are **GRANTED**.
2. Plaintiff's motion for leave to file sur-reply (DI 37) is **GRANTED**; the attached sur-reply was duly considered as was the sur-sur-reply.
3. We **dismiss** the case with prejudice and the Clerk of Court shall mark this matter closed.


MURPHY, J.